

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/051,562	CHAN ET AL.
	Examiner	Art Unit
	Christy L. Novacek	2822

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the amendment filed February 3, 2004.
2.  The allowed claim(s) is/are 18-23, 25-35, 37 and 38.
3.  The drawings filed on 18 January 2002 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a)  The translation of the foreign language provisional application has been received.
6.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

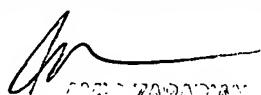
7.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No. \_\_\_\_\_.
  - (b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1 <input type="checkbox"/> Notice of References Cited (PTO-892)	5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.
3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____	7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment
4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance
	9 <input type="checkbox"/> Other

  
CHRISTY L. NOVACEK  
EXAMINER  
ART UNIT 2822  
U.S. PATENT AND TRADEMARK OFFICE

## **DETAILED ACTION**

This Office Action is in response to the amendment filed February 3, 2004.

### ***Response to Amendment***

The amendment of claims 23, 35, 37 and 38 is sufficient to overcome the rejection of claims 23, 35, 37 and 38 under 35 U.S.C. 112, second paragraph submitted in the previous office action. Therefore, the rejection of claims 23, 35, 37 and 38 under 35 U.S.C. 112, second paragraph are withdrawn.

The limitations added to claim 30 is sufficient to overcome the Taur et al. (US 5,646,058) reference either alone or in combination. Therefore, the rejections of claims 30 and 31 under 35 U.S.C. 102(b) as being anticipated by Taur et al. and claims 32, 33 and 35 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Taur et al. are hereby withdrawn.

### ***Allowable Subject Matter***

Claims 18-23, 25-35, 37 and 38 are allowed.

The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of claims 22, 23, 25-29, 34, 35 and 37 was stated in the office action mailed July 23, 2003.

The primary reasons for the allowance of claims 18-21 were stated in the office action mailed November 4, 2003.

The primary reasons for the allowance of claims 30-33 is the inclusion therein, in combination as currently claimed, of the limitations of forming a sidewall spacer in between the

double gate conductor and the source and drain regions. These limitations were found in claims 30-33 and are neither disclosed nor taught by the prior art of record, alone or in combination.

The primary reasons for the allowance of claim 38 is the inclusion therein, in combination as currently claimed, of the limitations of forming an upper spacer and a lower spacer in between the double gate conductor and the source and drain regions. These limitations were found in claims 38 and are neither disclosed nor taught by the prior art of record, alone or in combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Frederick Gibb on February 23, 2004.

The application is amended as follows:

In claim 37, line 1, "34" is deleted and replaced with "35".

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy L. Novacek whose telephone number is (571) 272-1839. The examiner can normally be reached on Monday-Thursday and alternate Fridays 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on (571) 272-1852. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CLN  
February 23, 2004



AMIR ZARABIAN  
EXAMINER  
20040223